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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,552	10/30/2001	Cherisse M. Nicastro	TRIRG-01000US0	8621
28554 7590 04/24/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER BASIT, ABDUL	
			ART UNIT	PAPER NUMBER
			3694	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,552	<b>Applicant(s)</b> NICASTRO ET AL.	
	<b>Examiner</b> Abdul Basit	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 63-84 is/are pending in the application.
- 4a) Of the above claim(s) 1-62 and 85-105 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/07, 10/7/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-29, drawn to a system for defining and managing an asset.
- II. Claims 30-62, drawn to a second system for defining and managing an asset
- III. Claim 63-84 drawn to a third system for defining and managing an asset
- IV. Claim 85-105 drawn to a fourth system for defining and managing an asset.

The inventions are distinct from each other because of the following reasons:

Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant, Invention I has a separate utility as a system for defining and managing an asset, Invention II has a separate utility as another system that defines and manages an asset. Invention III has a separate utility as another system that defines and manages an asset. Invention IV has a separate utility as another system that defines and manages an asset.

During a telephone conversation with Attorney Viera on April 2, 2007 at approximately 12pm, a provisional election was made with traverse to prosecute the invention of a system for defining and managing a physical asset requiring a plurality of items and components, claim 63-84. Affirmation of this election must be made by

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applicant in replying to this Office action. Claim 1-62 and 85-105 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The term "real time" in claim 78 is a relative term which renders the claim indefinite. The term "real time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 63-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Burbridge (US Pat. No. 6,868,370).

***Regarding claim 63:***

Burbridge teaches

- A system for defining and managing a physical asset requiring a plurality of items and components, that includes a data store for item specification data, including

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item attributes, for objects incorporated into or consumed during the creation of the asset. *(see column 1 generally and column 2, lines 1-10).*

- At least one data input system for specification data into the data store. *(see column 1 generally and column 2, lines 1-10).*
- A project management system including a data store interface allowing supplement to specification data. *(see column 1 generally, and column 2, lines 1-10 ).*

***Regarding claim 64:***

Burbridge teaches at least one item procurement system, the procurement system including a data store interface allowing modification of specification data. *(see column 9 lines 57-65).*

***Regarding claim 65:***

Burbridge teaches a cost management system including a data store interface allowing modification of specification data. *(see column 9, lines 26-36).*

***Regarding claim 66:***

Burbridge teaches an information collection system including a data store interface. *(see column 8, lines 31-46).*

***Regarding claim 67:***

Burbridge teaches the project management system includes multiple projects. *(see column 9 generally).*

***Regarding claim 68:***

Burbridge teaches the data store stores object data by project. *(see column 9 lines 26-*

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36).

**Regarding claim 69:**

Burbridge teaches:

- A system for defining and managing a physical asset requiring a plurality of items and components. *(see column 1 generally and column 2, lines 1-10).*
- A data store for item specification data, including item attributes, for objects incorporated into or consumed during the creation of the asset. *(see column 1 generally and column 2, lines 1-10).*
- At least one data input system for specification data into the data store. *(see column 1 generally and column 2, lines 1-10).*
- A teamwork system including a data store interface. *(see column 1 generally and column 2, lines 1-10).*

**Regarding claim 70:**

Burbridge further teaches at least one item procurement system, the procurement system including a data store interface allowing modification of specification data. *(see column 9, lines 57-65).*

**Regarding claim 71:**

Burbridge further teaches a cost management system including a data store interface allowing modification of specification data. *(see column 9, lines 26-36).*

**Regarding claim 72:**

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Burbridge further teaches a project management system including a data store interface allowing reference to specification data. *(see column 9 generally)*.

***Regarding claim 73:***

Burbridge teaches:

- An application server coupled to a network data store including item specification data. *(see column 1 generally and column 2, lines 1-10)*.
- A data input and supplement toolset linking specification data to business objects. *(see column 1 generally and column 2, lines 1-10)*.

***Regarding claim 74:***

Burbridge teaches an application server, wherein the data input and supplement toolset includes a design application toolset. *(see column 9, lines 38-46)*.

***Regarding claim 75:***

Burbridge teaches an application server, wherein the data input and supplement toolset includes a cost toolset. *(see column 9, lines 26-36)*.

***Regarding claim 76:***

Burbridge teaches an application server, wherein the data input and supplement toolset includes a procurement toolset. *(see column 9, lines 57-65)*.

***Regarding claim 77:***

Burbridge teaches an application server, wherein the data input and supplement toolset includes a project teamwork toolset. *(see column 6, lines 42-55)*.

***Regarding claim 78:***

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Burbridge teaches an application server, wherein said toolsets modify said database such that each of said toolsets receives real time data updates. (see column 1, lines 45-51).

**Regarding claim 79:**

Burbridge teaches an application server, wherein said network is a private network. (see column 6, lines 42-55).

**Regarding claim 80:**

Burbridge teaches an application server, wherein said network is a public network. (see column 6, lines 42-55).

**Regarding claim 81:**

Burbridge teaches an application server, wherein said network is a combination of public and private networks. (see column 2, lines 55-60).

**Regarding claim 82:**

Burbridge teaches an application server, wherein said network is the Internet, and the application tool sets are provided by the application server via the Internet to client devices responsive to a request from said devices. (see column 2, lines 55-60).

**Regarding claim 83:**

Burbridge teaches an application server, wherein said server communicates data from said database with said client devices via a secure protocol. (see column 6, lines 14-23).

**Regarding claim 84:**

Burbridge teaches an application server, wherein said applications are configured to run



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in a browsing application. (see column 2, lines 55-60).


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

aqb

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3694